



05-09-02

Atty. Docket No.: 18433/2042

*NYP-11*  
*Box 500*  
PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Rance et al  
Serial No.: 09/963,803  
Filed: September 26, 2001  
Entitled: Chimeric Expression Promoters  
Originating From Commelina Yellow  
Mottle Virus and Cassava Vein Mosaic  
Virus

Examiner: Unknown  
Group Art Unit: Unknown  
Conf. No.: 9170

**CERTIFICATE OF MAILING UNDER 37 CFR 1.10**

I hereby certify that the paper (and any paper or fee referred to as being enclosed) is being deposited with the United States Postal Service using Express Mail to Addressee Service, under 37 C.F.R. Section 1.10, Express Mail Label No. EL932821302US on this date, May 8, 2002, postage prepaid, in an envelope addressed to Box: Provisional Patent Application, Commissioner for Patents, Washington, D.C. 20231.

*Joyce C. Hersh*

Name of Person Mailing Paper

*JCH*  
*JCH*

Signature of Person Mailing Paper

Box: Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL LETTER**

Enclosed for filing in the above-identified patent application, please find the following documents:

1. Response to Notice to File Missing Parts mailed November 9, 2001;
2. Copy of Notice to File Missing Parts - Part 2;
3. Executed Declaration and Power of Attorney;
4. Amendment;
5. Petition for Extension of Time;
6. Statement under 37 C.F.R. 1.82 (f) and (g);
7. Sequence Listing: Paper Copy and Computer Readable Copy;
8. Check in the amount of \$1562.00 for the requisite fee; and
9. Return Post Card.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any overpayment in the total fees to Deposit Account No. 16-0085, Reference No. 18433/2042. A duplicate of this transmittal letter is enclosed for this purpose.

Date:

*May 8, 2002*

Respectfully submitted,

*Joyce C. Hersh*  
Reg. No. 42,890  
for:

Name: Kathleen M. Williams  
Registration No.: 34,380  
Customer Number 29933  
Palmer & Dodge LLP  
111 Huntington Avenue  
Boston, MA 02199-7613



Atty. Docket No.: 18433/2042 PATENT

Application of:	Rance et al	Examiner:	Unknown
Serial No.:	09/963,803	Group Art Unit:	Unknown
Filed:	September 26, 2001		
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*Joyce C. Hersh*

Name of Person Mailing Paper

*Joyce C. Hersh*

Signature of Person Mailing Paper

Box: Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NON-PROVISIONAL APPLICATION**

Sir:

This is filed in response to the Notice to File Missing Parts of Non-Provisional Application mailed November 9, 2001.

1. The Notice stated that the basic filing fee and additional claims fee is missing. A check is enclosed in the amount of \$1562.00 which includes:

- a) \$355.00 basic filing fee for small entity;
- b) \$162.00 additional claims fee;
- c) \$65.00 surcharge for late filing fee or declaration; and
- d) \$980.00 extension of time.

2. The Notice stated that the Declaration is unsigned.

An executed Declaration/Power of Attorney is enclosed.

3. The Notice stated that the application fails to comply with the requirements of 37 C.F.R. 1.821-1.825.

An amended sequence listing, paper copy and computer readable copy, is enclosed.

Date: May 8, 2002

Respectfully submitted,

*J. Williams*  
Name: Kathleen Williams  
Registration No.: 34,380  
Customer No.: 29933  
Palmer & Dodge LLP  
111 Huntington Avenue  
Boston, MA 02199-7613  
Tel: 617-239-0100

*Joyce C. Hersh  
May 10, 2002  
for:*



## UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 08 2002

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	RECEIVED U.S. PATENT & TRADEMARK OFFICE MAY 08 2002	RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/963,803		09/26/2001	Iann Rance	18433/2042

## CONFIRMATION NO. 9170

27495

 PALMER & DODGE, LLP  
 ONE BEACON STREET  
 BOSTON, MA 02108-3190

Docketed

*Dane*Response Due *Reap to NFM*Statutory Period *11/9/02 (5/9/02 Final)*
 Palmer & Dodge LLP  
 Patent Department

## FORMALITIES LETTER



\*OC000000007046195\*

Date Mailed: 11/09/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.

*Applicant must submit \$ 355 to complete the basic filing fee for a small entity.*

- Total additional claim fee(s) for this application is \$162.

- \$ 27 for 3 total claims over 20.

- \$ 135 for multiple dependent claim surcharge.

- The oath or declaration is missing.

*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

- The balance due by applicant is \$ 582.**

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

05/13/2002 RHEBRAIT 00000064 09963803

 02 FC:201  
 03 FC:205  
 04 FC:203  
 05 FC:204

 Adjustment date: 06/20/2002 YG1704  
 09/08/2002 RHEBRAIT 00000064 09963803 980.00 0P

RECEIVED

PATENT AND TRADEMARK OFFICE

 06/20/2002 RHEBRAIT 00000064 09963803 980.00 0P  
 06/20/2002 RHEBRAIT 00000064 09963803 207.00 0P

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE